

# ***City Council Meeting Minutes***

**November 1, 2016  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

***City Council:***        ***Mayor Robert Muckle, Mayor Pro Tem Jeff Lipton,  
Councilmembers Jay Keany, Chris Leh, Susan Loo,  
Dennis Maloney, and Ashley Stolzmann***

***Staff Present:***     ***Malcolm Fleming, City Manager  
Heather Balser, Deputy City Manager  
Kevin Watson, Director of Finance  
Scott Robinson, Senior Planner  
Rob Zuccaro, Director of Planning & Building Safety  
Meredyth Muth, City Clerk***

***Others Present:***   ***Sam Light, City Attorney***

## **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

## **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Stolzmann. All were in favor.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Jennifer Strand, 911 St. Andrews Lane, encouraged the Council to consider the Arts in the 2017 budget. She highlighted how successful the Cultural Council's 2016 grant program had been.

## **APPROVAL OF THE CONSENT AGENDA**

Councilmember Stolzmann asked to move item 5C to the regular agenda. Members agreed.

MOTION: Mayor Muckle moved to approve the consent agenda as amended, seconded by Councilmember Loo. All were in favor.

- A. Approval of Bills**
- B. Approval of Minutes: October 12, 2016; October 18, 2016; October 25, 2016**
- C. Resolution No. 51, Series 2016 – A Resolution Approving a Proposed 2017 Operating Plan and Budget of the Main Street Louisville Business Improvement District – *moved to regular agenda***
- D. Approval of Resolution No. 52. Series 2016 – A Resolution Approving an Amendment to an Agreement with the Urban Drainage and Flood Control District for the Drainageway A-2 Improvements Project**
- E. Approval of Resolution No. 53, Series 2016 – A Resolution Approving a Joint Use Agreement for a Twenty Foot Wide Access and Utility Easement Along the West Boundary of Lot 15, Block 1, The Business Center at C.T.C.**
- F. Approval of Continuance of the 2017 – 2018 Budget and 2017 – 2021 Capital Improvements Plan to November 15, 2016**

#### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Councilmember Leh encouraged everyone to vote.

Councilmember Loo recognized the Monarch Cross Country teams for their first and third place finishes at the State Championships. She noted senior Isaac Green who took first in the meet and set a course record.

#### **CITY MANAGER'S REPORT**

City Manager Fleming encouraged people to apply for the various board and commission openings. Applications are due on November 15.

#### **REGULAR BUSINESS**

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**RESOLUTION NO. 54, SERIES 2016 – A RESOLUTION APPROVING A CAPACITY COMMITMENT AGREEMENT AND RELATED AGREEMENTS WITH CLEAN ENERGY COLLECTIVE FOR SOLAR PRODUCTION CAPACITY TOTALING 1,000 KILOWATTS**

City Manager Fleming noted this agreement is almost identical to the purchase the City made in August this year although it is larger. This purchase is for one megawatt of energy use. This will cover the remaining demand for the Recreation Center and also the Library. Over the life of the agreement it will save the City an estimated \$300,000.

Mayor Pro Tem Lipton asked if this purchase will cover the demand of the proposed expanded recreation center or only the existing facility.

City Manager Fleming stated it will probably cover the demand of the expanded facility but we don't know for sure yet. With this purchase the City will be receiving just over 52% of its energy from renewable resources.

Amy Thompson from the Clean Energy Collective thanked the Council for the purchase and stated their staff is working to find more solar purchase options that may be available to the City.

Deborah Fahey, 1118 West Enclave Circle, stated this is a great start and would encourage the City to look at other renewable sources such as wind and electric vehicles.

Mayor Muckle moved to approve the resolution, Councilmember Loo seconded. A roll call vote was taken with all in favor.

### **DISCUSSION/DIRECTION**

#### **DRAFT MCCASLIN BOULEVARD SMALL AREA PLAN**

Planner Robinson introduced the Small Area Plan stating the updated Plan removed the proposed residential areas, removed the roundabout at Cherry and Dahlia, and provided an updated fiscal note with the removal of the residential. He added the results of the fiscal analysis are now complete and the net total positive impact is estimated to be approximately \$40M at build out. He added the build out potential increases the office and retail square footage totals, but does not change the existing residential amounts.

Planner Robinson stated if Council would like more information staff could create 3-D renderings of the build out potential, complete a market study, or compile additional transit information.

City Manager Fleming added that the Public Works staff is currently working on bidding out the 2017 paving project. What the Council decides it wants on Centennial Parkway in this Plan will affect the specifications of the bid and if Koelbel and Company moves forward with upgrades in that area. He stated Koelbel is supportive of the additional parking and installing bulb outs in the area and is willing to fund the improvements.

Mayor Muckle asked if there was new language in the plan identifying a buffer between existing commercial and residential areas. Planner Robinson stated the language has not changed significantly, but the existing language addresses lowering building heights and creating transition zone standards.

Councilmember Loo asked if a market study is in the budget or if that would need additional funding. City Manager Fleming agreed this would require additional funding as it is not currently in the 2017 proposed budget.

Councilmember Maloney asked if the changes from the last meeting would really generate an additional 1,700 employees as that seems like a very high number. Planner Robinson stated yes, that is the build out estimate. The Plan would create almost 350,000 s.f. of new space. Councilmember Maloney asked if these assumptions would generate so much additional revenue, it seems very high. Director Zuccaro stated these are the assumptions only, but if the area does build out it should hold true.

Director Zuccaro stated the fiscal model shows development potential based on the zoning, but many other factors such as infrastructure, place making, and how attractive the environment will be are all needed to draw retail and office uses.

Councilmember Maloney asked if based on this information, commercial property is more beneficial to the City than residential. Director Zuccaro stated that is the case based on the model we are using.

Mayor Pro Tem Lipton stated we know retail and commercial are fiscally positive to a city, but we don't know if this is market tested and will actually produce robust retail. We have to recognize we can't produce that many shoppers with our current population and this area may not build out like this in 20 years. We have no guarantees.

Councilmember Loo asked if there is any interest in completing the market study. Mayor Muckle stated that for him personally a market study won't change his mind right now. He is however, interested in working on "first and final mile" issues in the area.

Councilmember Loo stated it was not clear to her what the land use vision currently is for the area. Planner Robinson stated that for the current Plan there are no new residential uses in the area. This is based on direction staff received from the Council at the October 18 meeting.

Councilmember Leh stated he would like to see a market study completed to give additional information to verify this plan is moving the City in the right direction, particularly since we are limiting residential growth. Director Zuccaro stated for a plan such as this, market studies aren't usually completed, but it might offer some additional information. Councilmember Leh stated he thinks a study would be worthwhile to add additional information and help understand if these land use numbers are correct.

Councilmember Stolzmann stated the City currently gets 51% of its sales tax revenue and 41% of our consumer use tax from this corridor. She stated that not adding 300 units of housing to this area is not a significant impact on that market. She supports the plan as it is now. She noted the current Plan decreases the amount of office space from what could be built today. She stated more fiscal work could be done but it doesn't seem necessary. Even if it is not a \$41M impact it will be a significant positive impact. The corridor has a great many positives right now and there is an opportunity to make it very successful if we are patient.

Councilmember Leh stated the business community has submitted comments in support of some residential growth in the area and asked Planner Robinson if these comments were considered. Planner Robinson stated there was input early from the business community, but it has diminished towards the end of the process. Most of them asked for more mixed-use and residential in the corridor. Generally, most of their desires are not reflected in this version of the plan as it does not take advantage of the residential market or the Bus Rapid Transit system adjacent to the corridor.

Councilmember Keany stated he supports the plan without the residential. He stated he doesn't think the area will get the large retail growth projected in the area. He sees it more likely becoming commercial or office. He sees a real need for office in this area over the next 20 years and no need for residential.

Mayor Muckle agreed with the land use as proposed in the Plan.

Mayor Pro Tem Lipton stated he would like to see more transit oriented development in the area to leverage the new transit systems on US 36. It is not addressed in the plan and will need to be addressed at a later date.

Mayor Pro Tem Lipton asked if there were any changes to building heights in the areas adjacent to existing residential. Planner Robinson stated at this time there are the same residential protections that currently exist. Mayor Pro Tem Lipton would like something in the Plan that is strongly worded to make residents more comfortable and assure that the design guidelines will protect the existing neighborhoods. Mayor Muckle asked additional language about landscape and setback buffers next to residential areas be included in the guidelines.

Councilmember Loo agreed with Councilmember Keany that it is unlikely we will see high levels of retail, but the City will get office. She added that removing residential will not mean less traffic, particularly if office is built. That said, she supports the plan as currently proposed, although reluctantly as it may limit future choices for the area.

Mayor Muckle asked for public comments.

Audrey Debarros, 839 West Mulberry Street, stated she knows there is concern about adding residential in Louisville, but of all the areas in Louisville, this is the one area that

would enable the City to be creative, use transit well, and create smart growth. She would like to see the intersection of Cherry and Dahlia looked at for safety. She would like to see a multi-modal plan for the City to help take advantage of regional transit investments. She noted the businesses currently in Centennial Valley state there is little ability for their employees to get out and go to retail areas. Those businesses would like to see additional options and this will be necessary to keep primary employers. Without new housing we are requiring employees who work here to live further away and commute longer distances adding to traffic and congestion.

### *Transportation Changes*

Councilmember Stolzmann stated she doesn't support the lane reduction on McCaslin Boulevard and has not heard any support for the removal of the travel lane. Members were in agreement.

Councilmember Stolzmann stated she doesn't support removing the lane on Cherry east of Dahlia. Mayor Muckle stated removing that one lane going east would make the intersection safer. Planner Robinson agreed the redesign of the street is recommended as a safety measure. He stated the traffic volumes don't justify two lanes. Mayor Muckle stated he would like this road change left in as a future option, not a requirement.

Councilmember Loo doesn't support the narrowing of Cherry Street. Members agreed to remove this suggestion from the McCaslin Small Area Plan as it is already in the Comprehensive Plan as an option.

Councilmember Stolzmann supports the right-in, right-out at Colony Square. Councilmember Maloney stated this seems like a dangerous location to add this and he is cautious of this location. Planner Robinson stated if a fully safe intersection cannot be designed, it wouldn't be considered.

Mayor Pro Tem Lipton proposed not making changes to Centennial Drive at this time. City Manager Fleming stated that bulb outs at the intersections would help with pedestrian safety. Councilmember Stolzmann stated she doesn't support the added parking on Centennial. Councilmember Keany agreed the reduction to one lane on Centennial might be ok, but not additional parking. Mayor Muckle supports the bulb outs and better pedestrian access and is ok without the parking.

Mayor Muckle supported the bulb outs as the developer may be willing to pay for it and it will increase pedestrian safety. Councilmember Maloney asked if that would eliminate the second travel lane. Planner Robinson stated yes the bulb outs would require removing one lane, leaving one lane and a bike lane. Councilmember Maloney was not supportive.

City Manager Fleming stated the developer is not likely willing to do the bulb outs without the parking. Mayor Muckle asked staff to work with the developer to see how we might address pedestrian safety but not add parking.

Members supported the midblock crossing on McCaslin Boulevard north of Cherry and allowing staff to work out what type of crossing to use.

Mayor Pro Tem Lipton asked how “first and final mile” issues can be addressed in the Plan. Mayor Muckle stated this is likely to be addressed later, not in this Plan specifically. Mayor Pro Tem Lipton would like to see Transit-Oriented Development in the area that is unique and cutting edge to leverage the assets we have.

Mayor Muckle asked if some language can be added to Plan that “first and final mile” issues will be addressed at a later date. Director Zuccaro stated some policy language can be added to the plan to address this. Mayor Pro Tem Lipton asked staff to look at what other cities are doing in this area to encourage “first and final mile” solutions and bring some of that information for Council consideration.

Councilmember Stolzmann asked if the social trail on the eastern edge of Hillside Court to Davidson Mesa could be formalized with the property owner. Planner Robinson stated the intent is to do something formal when the property develops.

Mayor Muckle asked for public comments. No public comments.

The final plan will come to Council for consideration on December 6.

**ORDINANCE NO. 1728, SERIES 2016 – AN ORDINANCE APPROVING THE  
VACATION OF A 20-FOOT WIDE UTILITY EASEMENT ON LOT 1A, CENTENNIAL  
VALLEY PARCEL H, THIRD FILING – 2<sup>nd</sup> READING –PUBLIC HEARING  
(Advertised *Daily Camera* 10/23/16)**

Mayor Muckle opened the public hearing

Director Zuccaro introduced the item stating it is request to remove a utility easement for McCaslin Marketplace as the easement is no longer needed as the water main has been relocated. Staff recommends approval.

No applicant presentation.

Mayor Muckle asked for public comments. There were none. Mayor Muckle closed the public hearing.

Councilmember Maloney moved to approve the ordinance. Councilmember Keany seconded the motion. Roll call vote was taken, all in favor.

**RESOLUTION NO. 55, SERIES 2016 – A RESOLUTION AMENDING THE 2016 BUDGET BY AMENDING APPROPRIATIONS IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, CEMETERY FUND, HISTORIC PRESERVATION FUND, CAPITAL PROJECTS FUND, WATER UTILITY FUND, WASTEWATER UTILITY FUND, STORM WATER UTILITY FUND, SOLID WASTE & RECYCLING FUND, AND GOLF COURSE FUND – PUBLIC HEARING – ADVERTISED *DAILY CAMERA* 10/28/16**

Mayor Muckle opened public hearing.

Director Watson stated this resolution is an amendment to the 2016 budget needed because departments reallocated their budgets to the new chart of accounts and this moved money between funds which requires the amendment. These are general fund changes only. All of these changes were included in the 2017-18 budget process.

Mayor Muckle asked for public comments. Seeing none he closed the public hearing.

Councilmember Maloney moved to approve the resolution. Councilmember Loo seconded the motion. Roll call vote was taken, all in favor.

**ORDINANCE NO. 1729, SERIES 2016 – AN ORDINANCE RENAMING CHAPTER 6.12 OF THE LOUISVILLE MUNICIPAL CODE AND AMENDING SAID CHAPTER 6.12 TO REPEAL THE CITY’S DOG LICENSING REQUIREMENTS – 1<sup>ST</sup> READING – SET PUBLIC HEARING 11/15/16**

Light introduced the ordinance and read the title.

Mayor Muckle moved to approve the ordinance, Councilmember Keany seconded the motion.

Councilmember Stolzmann stated she does not support the ordinance as she doesn't see a need for the change. She would like to see the program continue. Other cities use different methods and she recommended other ideas such as working through shelters, or giving lifetime or longer-term licenses.

Councilmember Loo agreed with Councilmember Stolzmann. Roll call vote was taken, with a 4-3 vote, Councilmember Loo, Councilmember Stolzmann, and Councilmember Maloney voted no.

**DISCUSSION/DIRECTION – DATE FOR 2017 WORK PLAN AND PRIORITY SETTING MEETING**

City Manager Fleming stated staff is looking for a date for the annual work plan meeting in early 2017. Members decided on January 10<sup>th</sup> from 5 – 8 pm.



**RESOLUTION NO. 51, SERIES 2016 – A RESOLUTION APPROVING A PROPOSED  
2017 OPERATING PLAN AND BUDGET OF THE MAIN STREET LOUISVILLE  
BUSINESS IMPROVEMENT DISTRICT**

This item was moved from the consent agenda. Councilmember Stolzmann would like to see the board filled on the Business Improvement District (BID) and the land ownership areas updated before it is approved in 2017. Members agreed.

Councilmember Stolzmann moved to approve the resolution. Councilmember Maloney seconded the motion. All in favor.

**CITY ATTORNEY'S REPORT**

Light noted the BID board is down to three members and it is designed to have up to nine members. The BID's counsel is willing to have a discussion regarding the board makeup for 2018, but that will require an ordinance amendment.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF  
FUTURE AGENDA ITEMS**

Councilmember Keany stated he is unable to attend the Historical Commission meeting on November 3 and invited others to do so if they are able.

Councilmember Maloney stated that at the December 6 meeting there will be an update on the Impact Fee Study.

Councilmember Leh stated the Legal Review Committee hopes to bring an item for Council consideration related to the nonprofits that interact with the City.

Councilmember Loo stated the Parks board will be discussing herbicide use at their meeting this month.

**ADJOURN**

MOTION: Mayor Muckle moved for adjournment, seconded by Councilmember Keany. All were in favor. The meeting was adjourned at 9:32 p.m.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk